

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1402 of 2017**

- Dori Lal S/o Hetram Aged About 30 Years Occupation- Agriculture , R/o Village- Mauhapali, Tahsil- Kharsiya, District Raigarh, Chhattisgarh.

**---- Petitioner**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Kharsiya, District Raigarh, Chhattisgarh.

**---- Respondent**

**MCRC No. 1407 of 2017**

- Mohar Sai S/o Rasiyaram Lahre, Aged About 35 Years Occupation Medical Practitioner, R/o Village Mauhapali, Police Station And Tahsil Kharsiya, District Raigarh (Chhattisgarh).

**---- Petitioner**

**Versus**

- State of Chhattisgarh Through, Station House Officer, Police Station Kharsiya, District Raigarh (Chhattisgarh).

**---- Respondent**

**&**

**MCRC No. 1412 of 2017**

- Hirounji S/o Rambharosh, Aged About 40 Years Caste Satnami R/o Village Mouhapali, Tahsil Kharsiya, District Raigarh Chhattisgarh

**---- Petitioner**

**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Kharsiya District Raigarh Chhattisgarh

**---- Respondent**

-----  
For Applicant in : Mr. Awadh Tripathi, Advocate  
M.Cr.C.Nos.1402 of 2017  
& 1407 of 2017

For Applicant in : Mr. U.K.S. Chandel, Advocate.  
M.Cr.C.No. 1412 of 2017

For respondent/State : Mr. Vinod Tekam, Panel Lawyer  
-----

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**20-03-2017**

1. Since the aforesaid three cases arise of same Crime No. 291 of 2016 which are common in nature, they are heard analogously and are being disposed of by this common order.
2. These are first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 2-2-2017 in connection with Crime No. 291 of 2016, registered at Police Station Kharsiya, District Raigarh (CG) for the offence punishable under Section 304/34 of IPC.
3. As per prosecution case on 17-8-2013 at about 2.00 pm one Domram suffered snake bite. It is alleged that at the behest of Dorilal, the snake bite was caused, instead of giving him treatment present applicants took him to Witch-craft and in absence of medical aid, he died and thereby the aforesaid offence was committed.
4. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, a report was made against the applicants for which a detailed enquiry was made and Police had given the report in the year 2013 that no offence is made out. Subsequently, again on 9-4-2016 a complaint was filed and a report was sought for by the District Prosecution and thereafter first information was registered on 17-7-2016. It is further submitted that no offence is made out, it is a case of snake bite and as per statement of complainant Neela Ram, deceased Domram was taken to Dr. R.C. Agrawal for treatment and thereafter the Doctor referred him to Civil Hospital, Kharsiya where he died,

therefore, no offence is made out. It is further submitted that the applicants are in jail since 2-2-2017 and no further investigation is required, therefore, they may be released on bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel for the parties, perused the case diary.
7. Perused the documents filed along with M.Cr.C.No.1407 of 2017. After going through the Police report which was given in the year 2013 and thereafter the report which was made on 9-4-2016, it appears that it is a case of snake bite.
8. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the Police report and also the fact that the applicants are in jail since 2-2-2017, I am inclined to release the applicants on bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju